

**6/4/08 - Wednesday, June 4, 2008**

**LANDMARKS COMMISSION**

**Meeting of June 4, 2008**

**Members Present:** Jenny Ebert, John Mann, Katrinka Bourne, Bob Von Haden, Ken Ziehr, Sue Nelson, Ken Fulgione

**Members absent:** None

**Minutes.** The minutes of the May 5, 2008 meeting were approved as written.

**1. Consideration of Applications for Certificate of Appropriateness.**

**A. 1408 State Street - To Install a Railing on the First Floor Front Porch.** The Commission reviewed an application for Certificate of Appropriateness submitted by Mr. Cary Osborn, to install a railing on the first floor front porch for the property located at 1408 State Street. The Commission had previously approved a Certificate of Appropriateness to reconstruct the 2-story front porch of the property, which is located in the Third Ward Historic Landmark District. At the time the application was submitted to the Commission, building officials did not indicate that a railing would be required for the first floor portion of the porch. Upon inspection of the completed porch, both the City/County Health Department and City Inspections Division are now indicating that the requirement was overlooked and is required since the porch floor is more than 24 inches above the ground level. The new railing must be at least 36 inches in height.

Mr. Osborn indicated that he would like input from the Commission regarding the design of the required railing.

Ken Ziehr questioned whether a berm or terraced planter could be placed in front of the porch to comply with the code requirement.

Brian Bessinger, representing the owner, indicated that a terraced planter might be possible, although a sidewalk is located near the porch.

Bob Johnson, architect for the project, indicated that drainage directed away from the porch is also an important consideration.

Mr. Osborn indicated that he would be willing to consider the option and noted that this option may be less expensive than installing a railing.

The Commission noted that they would be willing to schedule a special meeting to discuss the issue and possibly meet at the site to review options.

**ACTION TAKEN:** Ken Ziehr moved to postpone consideration of the application to allow the applicant an opportunity to determine whether a terraced planter would be feasible. Ken Fulgione seconded the motion. All votes were in favor. Motion carried.

**B. 1500 State Street - To Demolish an Accessory Building.** Mr. Cary Osborn has submitted an application for a Certificate Appropriateness to demolish a building located at 1500 State Street. The building is an accessory building located in the northwest corner of the Buffington property. The Buffington property is an individually landmarked property and a pivotal property within the Third Ward Landmark Historic District.

Mr. Cary Osborn, the owner of the property stated that he wants to demolish the building because code will not allow it to be used as a residence. He noted that it is also in such bad shape that the cost to remodel it makes it unfeasible. He added that the building has a dirt floor.

Pat Ivory informed the Commission that in their review of the application that the Commission should consider Section 2.65.040 C of the Landmarks Ordinance relating to the demolition of structures within historic districts. As stated in the ordinance, the Commission may refuse to grant the Certificate of Appropriateness in order to study the application and possibly undertake discussions in an attempt to save the structure.

Pat noted that since there is little to no information about the structure in question in the landmark nomination form, staff recommends that the Commission postpone consideration of the request until the next meeting. This would allow the Commission time to research the history and significance of the building and therefore determine whether the structure is significant.

**ACTION TAKEN:** Ken Ziehr moved to postpone consideration of the request in order to allow the Commission the opportunity to research the history of the building. John Mann seconded the motion. All votes were in favor. Motion carried.

**C. 1500 State Street - To Divide A Parcel and Construct a Duplex.** Mr. Cary Osborn has submitted an application for a Certificate Appropriateness to construct a duplex on a lot that would be created by dividing the parcel located at 1500 State Street into two parcels. The parcel would be created by splitting approximately 60 to 66 feet off the north portion of the existing parcel for 1500 State Street. The newly created parcel would be slightly over 13,000 square feet in size and would then be located between the Buffington House at 1500 State Street and south of 1408 State Street.

The Buffington House is located within the Third Ward National Register District, which was designated in 1983. That same year, the

Eau Claire Landmarks Commission designated the property as an individual landmark property. In 1985, the Commission designated the Third Ward Historic Landmark District and the Buffington property was included within the district as a pivotal property.

The Commission reviewed a site plan illustrating the proposed split of the Buffington property noting that the size of the Buffington parcel is currently 46,018 square feet. The resulting parcel would be approximately 32,984 square feet in size and the newly created parcel would be approximately 13,034 square feet in size. The south lot line of the newly created lot would be approximately 16 feet from the north side of the Buffington House.

The proposed duplex structure would be a two-story building. The Commission reviewed plans for the duplex that included:

- Smartside cedar texture siding with a 4 inch reveal
- Smartside cedar texture fascia, soffit and trim boards
- 12/12 pitch roof
- Asphalt shingles, architectural style
- Double hung windows (dimensions not provided)
- Open front porch with columns

Parking would be provided to the rear of the proposed structure and would be shared with residents living in the Buffington House.

Pat Ivory noted in their review of the application, the Commission should consider the criteria and standards set forth in the Landmarks Ordinance - Chapter 2.65 (2.65.010 and 2.65.040 B 2 a, b, and c) and the Third Ward Historic Landmark District Plan.

Specific review criteria noted in the Landmarks Ordinance include:

1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its intended purpose.

2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3) All buildings, structures, and sites should be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.

It was also noted that the Buffington property is listed as a pivotal property within the historic district. The historic district plan (page 16) states that the level of significance of a property within a district is an important consideration when reviewing applications for Certificate of Appropriateness. This is also stated in Section 2.65.040 B b of the Landmarks Ordinance. This section states, "The significance assigned a property in a district as pivotal, contributing or non-contributing shall be given decisive weight by the Commission when the Commission applies the district standards and guidelines for properties which are historically or architecturally significant and which contribute to or complement the district."

Pat noted that staff feels that splitting off the north portion of the Buffington property to create a new lot is contrary to the purpose and intent of Chapter 2.65, not consistent with the criteria and standards of the ordinance and would have a negative impact on the historic integrity of the property and district. In addition, staff feels that the proposed construction of a new duplex to the north on the same property, further compromises the integrity of the Buffington property and the district.

Cary Osborn, the applicant, spoke in support of the request. Mr. Osborn stated that the design of the proposed duplex would attempt to follow the design guidelines contained in the historic district plan. He added that a portion of the west part of the Buffington property was already paved for a parking lot.

Janeway Riley, 311 Garfield Avenue, spoke in opposition to the request.

Terri Stanley, 1814 State Street, spoke in opposition. Ms. Stanley stated that the Buffington House was a pivotal property in the historic district and dividing the property would be contrary to the district plan.

Paul Hoff, 1435 Park Avenue, spoke in opposition. He stated that the proposal would alter the character of the district.

Katherine Sinkewicz, 1525 State Street, spoke in opposition. She noted that she was concerned about dividing the property, which would affect the character of the Buffington property.

Todd Chapin, 101 Summit Avenue, spoke in opposition. Mr. Chapin noted that his property was large enough to divide, but dividing the lot would negatively affect the character of the district.

Rick Kayser, 1219 Graham Avenue, spoke in opposition. Mr. Kayser stated that the Buffington property is a gateway property into the historic district and dividing the parcel and constructing another structure on the north portion of the lot would be detrimental to the district.

Pat Ivory informed the Commission that he had received three letters in opposition to the application. The letters were from Paul and Nuria Hoff, 1435 Park Avenue, Craig Falkner, 1415 Park Avenue and Margaret Devine, 1425 Park Avenue.

The Commission discussed the request and noted concerns about the proposal and the negative impact it would have on the Buffington property and Third Ward Historic Landmark District.

Ken Ziehr noted that years ago, the parcel at 1302 State Street was split and a new structure was constructed at 217 Gilbert Street. Ken noted how the construction of this structure negatively affected the character of the Addison Cutter property and house located at

1302 State Street.

**ACTION TAKEN:** Ken Fulgione moved to approve the Certificate of Appropriateness to divide the Buffington parcel located at 1500 State Street and construct the proposed duplex. Bob Von Haden seconded the motion.

The Commission discussed the motion and noted that they did not feel that the proposal complied with the review standards and criteria contained in Chapter 2.65 and the standards in the district plan. They also stated that the request was contrary to the purpose and intent statements contained in Chapter 2.65.

All votes were opposed to the motion. Motion failed.

**D. 1500 State Street - To Make Exterior Changes for a Conversion to a 5-Unit Apartment.** Mr. Cary Osborn has submitted an application for a Certificate of Appropriateness to make several exterior changes to the Buffington House, located at 1500 State Street. These proposed changes are part of a proposal to convert the building into a 5-unit apartment building.

The Buffington House is located within the Third Ward National Register District, which was designated in 1983. That same year, the Eau Claire Landmarks Commission designated the property as an individual landmark property. In 1985, the Commission designated the Third Ward Historic Landmark District and the Buffington property was included within the district as a pivotal property.

The Commission reviewed elevation drawings of the four facades of the structure, photos of the four elevations and floor plans that illustrate the proposed changes as part of the conversion. Changes shown on the drawings include:

- Replace an existing second-story exit door on the north elevation
- Remove an existing steel jump platform on the north elevation and construct new wood stairs extending west and then to the north
- Install a new second-story exit door on the west elevation
- Install a new first-floor door, partially close-in entry and install new window on the west elevation
- Install replacement windows in sunroom on the west elevation
- Install a new stairway to basement on the west elevation

Pat Ivory noted that the proposed conversion of the structure to a 5-unit apartment requires approval of a conditional use permit from the Plan Commission. The provisions that the Plan Commission is required to consider as part of their review of the conditional use permit application were discussed. It was noted that two conditions state that the property must be listed as a local landmark property and that the appearance of the dwelling including but not limited to facades and rooflines, as viewed from the public streets, will be maintained in or restored to its original condition as determined by the Landmark Commission.

Pat Ivory noted in their review of the application, the Commission should consider the criteria and standards set forth in the Landmarks Ordinance - Chapter 2.65 (2.65.010 and 2.65.040 B 2 a, and b) and the Third Ward Historic Landmark District Plan.

Specific review criteria noted in the Landmarks Ordinance includes:

1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its intended purpose.

2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3) All buildings, structures, and sites should be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.

It was also noted that the Buffington property is listed as a pivotal property within the historic district. The historic district plan (page 16) states that the level of significance of a property within a district is an important consideration when reviewing applications for Certificate of Appropriateness. This is also stated in Section 2.65.040 B b of the Landmarks Ordinance. This section states, "The significance assigned a property in a district as pivotal, contributing or non-contributing shall be given decisive weight by the Commission when the Commission applies the district standards and guidelines for properties which are historically or architecturally significant and which contribute to or complement the district."

Pat noted that staff feels that the proposed changes to the different facades of the building were not consistent with the criteria and standards of the ordinance and district plan.

Cary Osborn, the applicant, spoke in support of the request. Mr. Osborn stated that he was not targeting students for the 5-unit apartment, the apartments would be designed for anyone.

Janeway Riley, 311 Garfield Avenue, spoke in opposition. Ms. Riley stated she was concerned about the proposed increase in density that would occur if the conversion was permitted.

Paul Hoff, 1435 Park Avenue, spoke in opposition. Mr. Hoff questioned whether the proposed changes to the house were consistent with its architecture. He added that the proposed use would not be compatible with the neighborhood.

Terri Stanley, 1814 State Street, spoke in opposition. Ms. Stanley stated that that eight residents lived in the house when the home for the elderly was operated by the Diocese. She stated that the owner should consider fewer dwelling units or even single-family use with the increased cost of gas and more people interested in living closer to Downtown.

Katherine Sinkewicz, 1525 State Street, spoke in opposition.

Todd Chapin, 101 Summit Avenue, spoke in opposition. He questioned how well the property would be maintained.

Mary Mickels, 330 Bartlett Court, spoke in opposition.

The Commission discussed the application for Certificate of Appropriateness. Ken Ziehr noted that not only are the east, north and south elevations visible from State Street, but that the west elevation is visible from Park Avenue, therefore, the Commission should be concerned with any changes proposed to the west façade of the building.

Commission members indicated that a number of changes were not shown or highlighted on the plans submitted by the applicant. Some of these changes not shown or highlighted by the applicant include: the replacement windows in the rear sun porch appear to be smaller than the existing windows, a window on the north elevation to the right of the second floor door and stairway appears to have been removed, a new window appears to have been added on the first floor of the north elevation in the vicinity of the front porch, a decorative window on the west elevation appears to have been removed.

The Commission also discussed the south elevation of the building and questioned if a window on this elevation would be removed since the application was proposing to remove an interior stairway in this area.

Finally, Ken Ziehr indicated that the applicant should look at some alternatives that would reduce the number and scale of the exterior changes proposed for the building. Possibly some configuration changes of the apartments that would enable more interior common corridors with apartments entering and exiting to these corridors.

**ACTION TAKEN:** Katrina Bourne moved to postpone consideration of the application for Certificate of Appropriateness to allow the applicant an opportunity to correct and revise his plans, and that the Commission be giving an opportunity to meet at the property to further discuss the proposed changes. Ken Fulgione seconded the motion. All votes were in favor. Motion carried.

## **2. Update on Landmark Activities and Properties.**

**A. Update on CLG Grant Project.** Pat Ivory informed the Commission that Eric Wheeler was progressing with the National Register nominations and that he would have a draft of the brochure for the recreational trail historic markers within a few weeks.

**B. Landmark Designation Eligibility.** Discussion regarding the landmark eligibility of buildings located in Rod and Gun Park and one in Lakeview Cemetery was postponed until the next Commission meeting.

The next meeting of the Commission will be on Wednesday, July 9<sup>th</sup>.

There being not further business to come before the Commission, the meeting was adjourned at 6:30 p.m.